

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his	)	
capacity as ATTORNEY GENERAL OF	)	
THE STATE OF OKLAHOMA and	)	
OKLAHOMA SECRETARY OF THE	)	
ENVIRONMENT, C. MILES TOLBERT,	)	
in his capacity as the TRUSTEE FOR	)	
NATURAL RESOURCES FOR THE	)	
STATE OF OKLAHOMA	)	
PLAINTIFF	)	
vs.	)	Case No. 05-CV-0329-JOE-SAJ
TYSON FOOD, INC.,	)	
DEFENDANTS	)	
	)	
TYSON FOODS, INC., TYSON	)	
	)	
THIRD PARTY PLAINTIFFS,	)	
vs.	)	
	)	
CITY OF TAHLEQUAH, et.al.	)	
Third Party Defendants	)	

UNOPPOSED MOTION BY JULIE A. COTHERMAN, JOHN E. COTHERMAN  
AND FIN AND FEATHER RESORT, INC. FOR ENLARGEMENT  
OF TIME TO RESPOND TO THIRD PARTY COMPLAINT

Pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1 (g), the Third Party Defendants, Julie A. Cotherman, John E. Cotherman and the Fin and Feather Resort, Inc. request that this Court issue an Order granting them an enlargement of time during which they must respond to the Third-Party Complaint (Dkt #80). Counsel for Julie A. Cotherman, John E. Cotherman and the Fin and Feather Resort, Inc. has conferred with designated counsel for the Third Party Plaintiffs, who has authorized moving counsel to advise the Court that the Third Party Plaintiffs do not object to the relief requested herein. Third Party Plaintiffs have agreed that Julie A. Cotherman, John E.

Cotherman, and the Fin and Feather Resort, Inc. may have until May 5, 2006, if necessary, to respond to the Third Party Complaint.

1. This Motion is filed on behalf of Julie A. Cotherman, John E. Cotherman, and the Fin and Feather Resort, Inc..

2. The foregoing have received suit papers at various times under various circumstances.

3. In the interest of coordination and efficiency among all parties and judicial economy, the third party defendants request that the deadline for them to respond to Third Party Complaint be extended until May 5, 2006.

4. This is the first request for an extension of time sought by these third party defendants, and it is sought in good faith and not for the purpose of delay. Counsel for Julie A. Cotherman, John E. Cotherman and the Fin and Feather Resort, Inc. need additional time within which to complete their review and investigation of Third Party Plaintiff's claims, to confer with clients, and to prepare and file appropriate responses. Julie A. Cotherman, John E. Cotherman and the Fin and Feather Resort, Inc. reserve all defenses.

5. This action is not presently set for trial and therefore granting this Motion will not delay or adversely affect any trial date.

Wherefore, Julie A. Cotherman, John E. Cotherman and the Fin and Feather Resort, Inc. request that this Court allow them until May 5, 2006 to file their responsive pleadings to the Third Party Complaint.

Respectfully submitted,

/s/ Jo Nan Allen  
Jo Nan Allen OBA#17563  
219 W. Keetoowah  
Tahlequah, OK 74464  
Phone: (918) 456-8603  
Fax: (918) 456-1407  
E-Mail: [jonanallen@yahoo.com](mailto:jonanallen@yahoo.com)

Dated: April 12, 2006.

### CERTIFICATE OF SERVICE

I certify that on the 12th day of April, 2006, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants.

Frederick C. Baker	Robert Allen Nance	Bruce Jones
Tim K. Baker	J. Stephen Neas	Jay Thomas Jorgenson
Vicki Bronson	George W. Owens	Raymond Thomas Lay
Paula M. Buchwald	David Phillip Page	Nicole Marie Longwell
Louis Werner Bullock	Marcus N. Ratcliff	Archer Scott McDaniel
Angela Cotner	Robert Paul Redemann	Kenneth Edward
W. A. Drew Edmondson	Melvin David Riggs	Wagner
Delmar R. Ehrich	Randall Eugene Rose	Elizabeth C. Ward
John R. Elrod	Patrick Michael Ryan	Sharon K. Weaver
Bruce Wayne Freeman	Robert E. Sanders	Timothy K. Webster
R. Jack Freeman	David Charles Senger	Gary V. Weeks
Richard T. Garren	Colin Hampton Tucker	Adam Scott Weintraub
Dorothy Sharon Gentry	John H. Tucker	Terry Wayen West
Robert W. George	Thomas James Grever	Edwin Stephen Williams
Tony Michael Graham	Jennifer Stockton Griffin	Douglas Allen Wilson
James Martin Graves	John Trevor Hammons	Lawrence W. Zeringue
Ryan P. Langston	Michael Todd Hembree	Lindan Martin
Linda C. Martin	Theresa Noble Hill	Chris A. Paul
Thomas J. McGready	Philip D. Hixon	J. Ron Wright
Robert Park Medearis, Jr.	Mark D. Hopson	
James Randall Miller	Kelly S. Hunter Burch	
	Stephen L. Jantzen	

I hereby further certify that on this 11<sup>th</sup> day of April, 2006, I mailed a true and correct copy of the above document to the following who are not registered with the ECF System by depositing the same into the United States Mail with proper Postage prepared thereon:

John E. Adair  
Virginia W. Adair  
Rt. 2, Box 1160  
Stilwell, OK 74960

Jim Bagby  
RR2, Box 1711  
Westville, OK 74965

Thomas C. Green  
Sidley Austin Brown and Wood LLP  
1501 K. Street NW  
Washington, DC 2005

John E. And Virginia W. Adair Family Trust  
Rt. 2, Box 1160  
Stilwell, OK 74960

William H. Narwold  
Motley Rice LLC  
20 Church St., 17<sup>th</sup> Floor  
Hartford, Ct 06103

C. Miles Tolbert  
Secretary of the Environment  
State of Oklahoma  
3800 North Classen  
Oklahoma City, OK 73118

Kenneth D. Spencer  
Jane T. Spencer  
James C. Geiger  
Rt. 2, Box 222  
Kansas, OK 74347

/s/ Jo Nan Allen  
Jo Nan Allen OBA#17563  
219 W. Keetoowah  
Tahlequah, OK 74464  
Phone: (918) 456-8603  
Fax: (918) 456-1407  
E-Mail: [jonanallen@yahoo.com](mailto:jonanallen@yahoo.com)